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Cody, St. Vrain and others. Colonel Inman himself had some thrilling experiences which he tells with spirit and modesty. On the whole, the book, though unsystematic and a little disappointing to one who expects facts arranged in an orderly narrative, was well worth writing, and the men now living who could have written it so well with so much personal knowledge of its scenes and characters are not many.

J. EVARTS GREENE.

*Essays on the Civil War and Reconstruction and Related Topics.* By WILLIAM ARCHIBALD DUNNING, Ph.D., Professor of History in Columbia University. (New York: The Macmillan Company. 1898. Pp. ix, 376.)

THE Civil War produced a rank and rapid growth of constitutional interpretations. The problems were new, the Constitution untried and the extremity seemed dire. President Lincoln and Congress found ready to hand as rules of interpretation the doctrines of implied powers and reasonable construction ("that which will give efficacy and force to a government, rather than that which will impair its operations and reduce it to a state of imbecility," *Story*). They used them freely.

The cases of constitutional interpretation in the Civil War and Reconstruction period are treated in the first five of the seven essays before us. Essay I., *The Constitution of the United States in Civil War*, discusses those acts of the President and Congress relating to the conduct of the war which involve new or questionable powers. Essay II., *The Constitution of the United States in Reconstruction*, treats of the relation of the seceded states and their inhabitants to the national government. The conclusion is that "private rights must be determined . . . on the theory that a state cannot perish;" but the "precedents of political action may and probably will be regarded as much more consistent with" the state-suicide and conquered-province theories of Sumner and Stevens. In the territory in insurrection the national government stood at the close of the war supreme above every other authority and obligated by the Constitution to protect life, liberty and property and to guarantee a republican form of government. The former obligation it met by establishing the military government, which acted sometimes through the state governments and sometimes in spite of them (Essay III., *Military Government during Reconstruction*); and the latter by the construction of a "new political people" and its organization into states under the supervision of the military power (Essay IV., *The Process of Reconstruction*). This was the work of Congress alone, acting by a two-thirds majority that was sometimes factitious. But if in time of war the executive can become a despot, says Professor Dunning, in the view of constitutional history the impeachment and trial of President Johnson (Essay V.) "must be considered as marking the utmost limit of the sharp reaction which followed the sudden and enormous concentration of power in the

executive department during the stress of arms . . . The single vote by which Andrew Johnson escaped conviction marks the narrow margin by which the presidential element in our system escaped destruction." A few of the precedents treated in the course of these essays have been confirmed by the judiciary ; more have been incorporated into the Constitution by amendment ; the rest stand on the authority of the department that made them.

It is evident from the style and method of treatment that Professor Dunning has thoroughly familiarized himself with the documentary evidence on the period. But the work of the historical laboratory is not done over in the presence of the reader. His results are succinctly stated. The temper in which he writes is wholesome. Citations and references are meagre ; still on the main point, which is always to present the constitutional aspect of the act or decision rather than to discuss the method by which it was actually reached, he will rarely fail to carry conviction by what he says. To the teacher and the student his work will afford valuable and timely help in the further study of the period. To the general reader he will prove interesting, unless the very narrowness of his constitutional point of view should disappoint.

Professor Dunning is forced to admire the process of reconstruction "as a demonstration of political and administrative capacity ;" but he criticizes its purpose and questions the political wisdom of various important acts. That such opinions should be but incidentally expressed in essays that ought to have the word "constitutional" worked into their collective title illustrates the author's singleness of purpose. But it also suggests that he is equipped with the material to elaborate in another and perhaps larger work some very interesting conclusions on some of the great questions of political expediency that arose in this period.

The last essay, of thirteen pages, on American Political Philosophy, is out of place in this collection and insipid in comparison. The last but one : Are the States Equal under the Constitution ? is pertinent and timely, but not so satisfactory as the five preceding. It is easy to show that the inequalities are not so great as might appear at first. It is very easy to show, however, that unequal conditions have been laid on some states, that they have been operative and that the courts have enforced them (cf. two land cases in the reports of the U. S. Circuit Court, *Turner vs. Am. Baptist Missionary Union*, 5 McLean 344, and *Thompson vs. Holton*, 6 McLean 386). Still the Supreme Court has repeatedly declared the principle of the equality of the states. Professor Dunning concludes alternatively that if the relation of the United States to the individual states in respect to the terms of admission is a political question, "as there seems to be good reason" to believe, "the theory that all states have equal powers must be regarded as finally defunct ; if it is not, the theory can only be galvanized into life by a powerful act of judicial construction ;" and it is not easy to find evidence in rebuttal. Yet it seems a fair criticism to ask for a fuller presentation of the supporting cases which the author must have in his notes.

The ten reconstructing states are prohibited from narrowing the electorate on any ground. Mississippi and South Carolina have openly defied the acts of Congress. Mississippi claimed equality with the other states. South Carolina seems to have ignored the restoring act looking simply to the fifteenth amendment. "Practically this distinction has disappeared." Will Congress save its right by repealing the distinction on the ground that it is inexpedient to enforce it? or will it continue in abeyance until the Court has occasion to remove it on the broad ground that unequal conditions are unconstitutional? Here is a question from the reconstruction period that is alive and unsettled.

FREDERICK W. MOORE.

*The Finances of New York City.* By EDWARD DANA DURAND.  
(New York : The Macmillan Company. 1898. Pp. vii, 397.)

To an ancient Hindoo maxim, "Without treasure there is no reigning," Burke gave a modern form and smack in the oft-quoted epigram, "The revenue of the state is the state." The principle was, of course, good for the ancient city, which was itself the state, and may apply with but slight qualifications to the modern city, which is but part of the state.

The story of a city may be written in that of its fisc. The interest of such a work as that before us is, therefore, not confined to those who concern themselves about the mere financing of a single city or of many. It has lessons for all who desire the betterment of urban life generally. Whether for the limited or the general purpose, no better subject could be taken in hand than the finances of our metropolitan city, already aspiring to the leadership of the world.

Selecting as his main purpose the exhibition of the finances of New York, as they are and are to be, the author sketches but briefly their past history in order to discover there the germs of present and future development. In a single short chapter he compresses a period reaching from the middle of the seventeenth century to the notable epoch of 1830. It is true that the events of this period are of antiquarian interest only, but in it are found the beginnings of such institutions and phenomena as the general property tax, special assessments, legislative meddling, city debt, and a sinking fund. Throughout this period of nearly two hundred years the city was governed and administered by its Council, very much as the English cities now are.

The Charter of 1830 was framed upon the so-called federal plan, but the Council continued to keep a large part of administrative duties in the hands of its committees. A leading feature of the charter was the provision for a budget drawn up by the controller, approved by the Council, and submitted to the state legislature for its final action. In this second period, closing with 1849, the Croton water-works were constructed, which together with a few other and minor projects brought the city debt up to nearly fourteen millions.